

CERTIFIED TRANSLATION

BY OLGA M. ALICEA, FCCI, NJITCE-S

LOCAL

"The virus was productive": text messages between Apex owner and Juan Maldonado

The text shows the complicity and joy due to the millions in profits with the coronavirus rapid tests

Tuesday, May 19, 2020 - 2:01 PM

By Javier Colón Dávila

"The virus was productive," was the phrase with which, by text message, Juan Maldonado announced to Robert Rodríguez López, owner of Apex General Contractors, the night of last March 26, that he had been awarded the \$38 million contract to sell rapid tests for [coronavirus](#) to the government of Puerto Rico. "Too many millions for a single Puerto Rican," replied Rodríguez López, jubilant.

That exchange is part of a series of text messages that Rodríguez López delivered yesterday to the Commission on Health of the House of Representatives, which investigates the enormous scandal derived from the failed attempt by the government of Puerto Rico to buy one million serology tests from a small construction company, without any experience in handling medical products, but with a director very well connected to the leadership of the New Progressive Party (NPP).

In his statement yesterday behind closed doors, Rodríguez López, who asked to testify privately because he is cooperating with federal and state authorities investigating this matter and says he fears for his safety and that of his family, assured the lawmakers that Maldonado worked out the entire deal behind his back, that he did not find out until that very March 26 and that his former friend even forged his signature as part of the procedures to finalize the multimillion dollar deal.

But, from the text messages that he himself delivered to the Commission, and that were shared with **El Nuevo Día** by a source who prefers not to be identified, it appears that, although perhaps he was not entirely aware of what the deal was about, he did indeed know something was up, he celebrated with song and dance the millions in profits, he did not try to halt the transaction or report the alleged falsification of his signature and he even did everything within his reach so that, once he had knowledge of the large amount he could earn, try to have the agreement come to good terms. **Rodríguez Rodríguez told the Commission that when he provided his signature to Maldonado around March 18, he thought it was for a hand sanitizer production business that he was setting up in his Baldacci Coffee Roasters roasting plant, the production of which was halted due to the pandemic. He assured that he did not know anything more about Maldonado's plans until the contract came signed on behalf of his company on the night of March 26.**

CERTIFIED TRANSLATION

BY OLGA M. ALICEA, FCCI, NJITCE-S

Text messages point to a different scenario.

Throughout all of March 25 and 26, Rodríguez López and Maldonado had been exchanging information through text messages that suggest that this is the hand sanitizer business. But when the message of “the virus was productive” came in at 7:09 pm on March 26, it includes a screenshot of the test sales contract for \$38 million. Rodríguez López does not show any surprise by that. On the contrary, there is when he expresses joy at what he will earn.

Maldonado's full message reads, along with the screenshot of the contract: “So that you and Evelyn celebrate with us. The virus was productive.” Three minutes later, Rodríguez López responded: "Too many millions for a single Puerto Rican. Congratulations!" Maldonado answers: "I am sure that nobody had ever asked you for a signature to give you \$." To that comment, Rodríguez López replied: "and I am also sure that nobody had given you the signature without asking what it was for."

Rodríguez López told the legislators that Maldonado, contrary to the representation that he made before the Commission last week, was neither his attorney nor his partner. Maldonado indicated that he had been Rodríguez López' attorney, but not Apex'. He indicated that he considered himself a friend of Rodríguez López, whom he met because both of their children study at the same school, but that as a result of this situation, this friendship "has grown cold."

In his appearance before the Commission last week, Maldonado indicated that as of March 14 and 15 he started negotiating with the government on behalf of two other clients, entrepreneurs William Tress and Manuel Agosto, who claimed to have medical equipment to sell to the government or contacts abroad to obtain them.

But since neither was in the government's bidders' registry, they brought Apex into the picture, which was indeed because it had served public agencies in the construction and maintenance area, which are its specialty. Neither Tress nor Agosto have been summoned by the House's Commission on Health, nor have they made public statements about their alleged participation in this deal.

In his appearance at the Legislature last week, Maldonado assured that he and his partners expected to have profits of about \$10 million in this deal. Thus, he told Rodríguez López in a text message that the virus that has destroyed the economy of countless countries, sickened almost five million people, and killed more than 300,000, including more than 124 in Puerto Rico, had been for him, and for his own, "productive."

On March 27, the day after he allegedly found out that he had done a \$38 million deal with the government, Rodríguez López was up to his neck in the processing so that the deal would go well.

CERTIFIED TRANSLATION

BY OLGA M. ALICEA, FCCI, NJITCE-S

On the morning of that day, Rodríguez López indicated to Maldonado that the \$19 million

Advance that was part of the deal had not been reflected in the Apex account at Oriental Bank and he is available for any endeavor that had to be done in that respect. Later, Rodríguez López contacted an Oriental employee asking why the money first had been reflected in his account and later had disappeared.

It is known that when the \$19 million entered the Apex account, Oriental Bank froze it, since it activated the security mechanisms because it was a very unusual amount in the company's banking history. Rodríguez López immediately began efforts to have the account unfrozen, but without success.

"I had already informed the government about the transfer received and the transfer made at Oriental Bank for the purpose that you know. This affects not only me, but the people of Puerto Rico. It is imperative to correct and make the transfer," reads the text written by Rodríguez López. Three days later, on March 30, Rodríguez López provided Oriental Bank with information from the bank of 501 Nutrition, the Arizona company from which Maldonado planned to buy the tests, so that the money transfer would be made.

"We have been able to accept a letter of credit as part of the terms for the sale. I need you communicate as soon as possible to see if we can resolve this matter and the tests arrive in Puerto Rico," Rodríguez López wrote to the Oriental Bank employee.

In emails to the same bank employee, on March 27 Rodríguez López sent him documents about the product sold to the government and he tells him that "all the efforts within our reach have been made to corroborate the veracity of both the manufacturer and its distributor in the USA."

On March 30, Oriental Bank reversed the transaction that Apex had attempted to make with the Arizona bank of 501 Nutrition. "Apex General Contractors LLC holds Oriental Bank responsible for any claim that may arise as a result of unilateral actions taken by the bank," wrote Rodríguez López to the bank employee.

Rodríguez López also delivered documents to the Commission in which his authentic signature appears and in the ones that it was allegedly forged. Among the documents which presumably have his forged signature is one called "Authorization and Agreement for Electronic Payment of Suppliers" delivered to the Department of the Treasury. On the sheet appears his flourish under Apex General Contractors and, although it was allegedly false, he did not file a police complaint, nor did he call his bank, Oriental Bank, to stop the transaction.

Rodríguez López confirmed that his signature was also forged in a document notarized by Maldonado and in which Rodríguez López allegedly authorized businessman Aaron Vick to award contracts on behalf of Apex. Vick's signature, in effect, appears on the \$38 million

CERTIFIED TRANSLATION

BY OLGA M. ALICEA, FCCI, NJITCE-S

contract between the company and the government. Maldonado invoked his right not to incriminate himself when he was he asked at the public hearing about that document.

Vick, on his part, has said that although he provided his electronic signature to Maldonado de Jesús by text messages on March 26 he did not know it was to sign on behalf of Apex, a company the existence of which he assures he was unaware.

CERTIFICATION

I, Olga M. Alicea, an English-Spanish Interpreter and Translator certified to that effect by the Administrative Office of the U.S. Courts and by the National Association of Judiciary Interpreters & Translators (NAJIT), do hereby certify that I have personally translated the foregoing document from Spanish to English and that the translation is true and accurate to the best of my knowledge and abilities.

S/ Olga M. Alicea
Olga M. Alicea, FCCI, NJITCE-S
Fed. Cert. No. 98-005

May 31, 2020
Date
Ref.: P1701.841(CGB)